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MAY 14 2012

BOARD OF SELECTMEN
MEETING MINUTES
4/17/12

JB eg SMD

LUNENBURG TOWN

CLERK OFFICE

The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall as scheduled with David Matthews, Steven M. deBettencourt, Paula Bertram, Tom Alonzo, Carl "Ernie" Sund and Town Manager Kerry Speidel present. Regular Meeting opened at 7:00 PM with the Pledge of Allegiance.

PUBLIC COMMENT

Dave McDonald, Island Rd., began by congratulating Chief Bourgeois on his upcoming retirement. He stated that he is a member of the Citizens for Fiscal Responsibility in Lunenburg and he had a hand out which he provided to the Board. The handout consisted of information taken from news articles which were published in the Fitchburg Sentinel & Enterprise concerning the override in Lunenburg and identified other communities that are facing the same financial woes. He then had Ms. Bertram read one of the articles which was entitled "Vote No on Lunenburg Override". After Ms. Bertram read the article, which asked for a 3 year override rather than a 5 year, Mr. McDonald urged the author of the letter to come to Town Meeting to vote.

Mr. McDonald went on to thank Mr. Sund for his concerns for the senior citizens in Lunenburg. He stated that the Citizens for Fiscal Responsibility identified a solution for senior citizens, which is the Circuit Breaker Tax Credit from the state which allows up to a \$980 refundable credit on state income taxes based upon the total amount of property taxes paid. He stated that it was our job to educate the elders on these programs that are available to them.

He ended his comments by saying that he hoped that the Board, as a group, comes out to support the override.

Milree Keeling, 324 Sunnyhill Rd., asked the Board what cuts in services, excluding the cuts in the school department, would she see as a taxpayer in Lunenburg if the override did not pass. Mr. Matthews told her that we would not be able to maintain services to the town such as road repair, staffing cuts and eventually there would be fewer police officers, no growth in the fire department, and less DPW personnel on the roads.

Mr. Alonzo and Ms. Bertram also added to what the town would look like if the override did not pass which included comments about senior center and library cuts.

Mr. Matthews clarified some confusing information which was published in the Lunenburg Ledger that stated that the taxes would go up 12.5% each year. He said that it was incorrect and that they would increase by about 11% one time, which would be the new base line for further increases down the road.

ANNOUNCEMENTS

APPOINTMENTS

7:00 p.m. Proclamation for State Trooper Daniel Jones, heroic service – Lunenburg Police Chief Dan Bourgeois spoke on behalf of the Lunenburg and Fitchburg Police and Fire Departments and he gave their personal thanks in way of a proclamation and commendation to State Trooper Daniel Jones for the heroic service he performed at the scene of an automobile accident on March 24, 2012. Trooper Jones was off duty at the time when he witnessed the accident and did not hesitate to come to the aide of the two passengers in the burning vehicle, without regard for his own personal safety. If he had not pulled the passenger from the vehicle, it is the opinion of all safety departments that were involved, that the passenger would not have survived this accident. He stated that Trooper Jones went beyond the call of duty in this act.

On behalf of the Board, Mr. Matthews thanked Trooper Jones and read the proclamation into record which was followed by a standing ovation from the BOS and the people in attendance. The BOS signed the proclamation and it was then presented to Trooper Jones.

7:00 p.m. Public Hearing, Pole Location, Leominster-Shirley Road, Pole No. 5 – Mr. Matthews read the Notice to Abutters regarding the pole location for Pole No. 5 on Leominster-Shirley Rd.

Paul Schneider, Manager-Rights of Way for Verizon New England, explained the purpose for the new pole which would be to “feed” the LaForge Company. The existing pole has been hit numerous times by trucks and is deteriorating.

There were no abutters present nor was there any feedback received from them on this matter.

Mr. Alonzo moved to approve the pole relocation as shown on the maps provided by Verizon. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

It was then moved and seconded to close the public hearing.

CURRENT BUSINESS

1. FY2013 Budget & Override; Review & Recommendations on Town Meeting Warrant Articles –

STM Article 1: Ms. Speidel presented information on STM Article 1, Prior Year Unpaid Bills which are for six bills that are for medical services provided to a police officer who was injured on duty in May 2010. She presented a spread sheet which detailed the outstanding bills that exceeded the injured on duty insurance cap of \$50,000, by a total of \$6,595.98. The Town Manager’s office was not made aware of these bills until after the December STM. All medical providers have been notified about what the town’s policy is in regards to unpaid bills and they are aware that they need to go for approval at STM. This will be covered by a transfer of money which the Town Manager has not identified yet.

Discussion ensued among the board members concerning the amount of time which has passed since the bills were submitted and the fact that we are charging ourselves for services provided. Members discussed whether or not the bill for the Town of Lunenburg Ambulance should be abated or waived. Ms. Speidel said she did not put this forward as an abatement because it does not meet the criteria for an abatement as identified in the Board’s Abatement Policy. Ms. Bertram felt that a policy should be adopted to waive these types of bills where payment only goes back into the general funds of the town. Ms. Speidel said that she would have no problem if the BOS decided to waive that bill.

Mr. Sund motioned to waive the \$990.00 payment to the Town of Lunenburg Ambulance. Mr. deBettencourt seconded.

Discussion: Mr. deBettencourt questioned the dates of the services provided that cover two fiscal years. His thought was that the services provided were in FY12. Ms. Speidel said that the services were actually provided in FY11 and that the dates on the spread sheet are of the latest statement bills, which she will make that change on the spread sheet for the BOS.

On vote, 4 in favor, 1 opposed (Alonzo). Mr. Alonzo stated that he was not in favor of waiving the bill because he feels that they shouldn’t adopt policies on the day that they have to make the policy enforce and use it.

A new motion was then presented by Ms. Bertram to approve the revised amount on STM Article 1 by \$990.00. Mr. deBettencourt seconded. On vote, motion carried, 5 in favor, 0 opposed.

STM Article 20: This article was put forth by the Board of Assessors to adopt a local acceptance statute which would set the minimum value of personal property accounts at \$2,500 in order to receive a bill. Ms. Speidel stated that the BOS had asked for more information from the Board of Assessors on what the lost revenue would be. Harald Scheid, Regional Tax Assessor for the Town of Lunenburg sent an email to the Town Manager showing the impact numbers on the personal property exemption. Ms. Speidel read the email to the BOS and said that the net loss would be approximately \$3,000. Discussion ensued on why the \$3,000 should be returned to the Assessors office for processing bills when there is no money to give back.

This item was tabled until the next BOS meeting.

The BOS had requested that a representative from the Sewer Commission and Public Access Television Commission attend this meeting for further clarification on STM Articles 22 & 25. Both groups will be represented at the May 1, 2012 meeting.

Ms. Speidel reviewed the adjustment which was made at the last meeting to recommend to include \$17,000 to partially restore one of the two Administrative Assistant positions that would be cut under the balanced budget. After reviewing the adjustment Ms. Speidel did not think that the vote they had taken would accomplish the Board's intent. She put together a spread sheet which proposes some alternative scenarios. Her concern is that the two positions are currently filled, and if the override were to pass and funding was restored for a full time position and then cut the other down to 19 hours non-benefit, then she believes the town would have liability for unemployment. She proposed that putting both positions at 27 or 25 hours for the same amount of money would avoid having to pay unemployment.

Mr. Matthews said that he would be in favor of going to the 27 hour alternative with the long term view that they need to look at all the land use departments and get a better cohesive unit at the Ritter Building.

Ms. Bertram agreed with Mr. Matthews and reminded the Board that she thinks it is important to have somebody in both of those offices to answer citizen's questions and concerns. She also questioned the no override decision of 36 vs. 40 hours for the combined position and said that if it was 40 hours then there would be no concerns about extra time for meetings. Ms. Bertram would like to eliminate the scenario of having a recording secretary at that office and then increase the hours to 40. She also would like to see the hours that the office is open to the public be adjusted to accommodate meetings, so as to not stretch the hourly limit of the Administrative Assistant. Another concern she had is that these two offices are "stand alone" offices and if the office is not open there will be no one else to refer questions to. She feels that the Building Department and Planning Boards Administrative Assistants have someone to report to and if they are not there then there is someone else to refer questions to. She agrees that there are going to be cuts but wants to re-look at all of the land use departments and reducing hours in other land use departments as well.

Ms. Speidel informed the Board that the amendment will have to be made at town meeting and all of the spread sheets will also have to be updated as well.

Discussion began about combining the Building Department and BOH rather than BOH and Conservation. Concerns were raised about making adjustments to the departments after a vote has been taken a Town Meeting and it was determined that if there were adjustments to be made then they would have to be done at STM in the fall. The BOS decided to have a workshop on April 24 at 6:00 p.m. to discuss this issue.

The board members held a lengthy conversation about the override and the effects on all citizens whether it passes or not. There were comments regarding the senior citizen circuit breaker tax credit that was discussed earlier by Dave McDonald. Mr. Sund feels that we have to look after the seniors who are on a fixed income.

Mr. Alonzo made a fervent plea concerning the support of the override and what will happen if it is not supported.

Ms. Bertram commented in saying that she is sympathetic with the seniors and how the Senior Center was a life line for her when she needed help with family members. She said that she was not in favor of an override when she first ran for the Board but said that we have reached the end of the road and cannot continue to cut programs to seniors and children. She asked Mr. Sund which programs he would cut to the tune of \$2.2M dollars to sustain us or the next five years to which he replied some of the road management funds, eliminate the Head Start Program that according to numerous studies is not effective. Ms. Bertram said she was interested in hearing more about that but she wished he had brought these ideas before now. She is concerned about the dialogue over the past few weeks about the override and that it is confusing people.

Milree Keeling spoke to this discussion in saying that the pre-school program is required by law because they must service children with disabilities. She added that enrollment was opened to all people in the community but in order to participate they pay tuition from their own funds. There is no tax payer subsidized pre-school except for those who it is required by law to pay for, and therefore it is not an option to not provide that. Mr. Sund then rescinded his comment about the cut to the pre-school program. Ms. Keeling also touched on the senior circuit breaker tax credit and how the refund works.

Ms. Bertram reminded people of the other options available to seniors such as the Lunenburg Senior Citizen Tax Work-Off program and encouraged people to contact the town hall and the senior center for more information on these programs.

2. Establishment of Memorial Day Committee – Ms. Speidel read the proposal for a Memorial Day Planning Committee which was brought forward by Mr. Sund. This is an Ad Hoc committee. Ms. Bertram motioned that the

Town establish a Memorial Day Celebration Planning Committee in accordance with the guideline laid out by Selectmen Sund. Mr. deBettencourt seconded. On vote, motion carried, 5 in favor, 0 opposed.

3. Remote Participation Policy, continue to May 22, 2012

4. Request for Approval from Lions Club, for Road Block, 05/12/12 – There were no representatives in attendance from the Lions Club so Mr. Matthews explained what they were about and what they raise funds for. Mr. deBettencourt motioned for approval for the Lions Club Road Block. Mr. Alonzo seconded. On vote, motion carried, 4 in favor, 0 opposed, 1 recused (Bertram)

5. Minutes/Warrants/Action File Issues – The following minutes and warrants were presented for approval.

1. Minutes: None

2. Warrants – W # 61-12 \$89,326.69

Warrant for Town Election

Warrant for Town Meeting

3. Action File Issues – Mr. Alonzo asked for an update on the walkway at the Whalom rotary. Ms. Speidel told him that she had received a report from the Planning Director and that she needs to review it.

Mr. Matthews wanted to know what was going on with the trash barrels in Whalom on the water front. Ms. Speidel replied that as far as she knows it is the same plan as always and that the Town collects the trash.

Mr. Matthews commented about the accident which occurred on RT2A that Trooper Jones assisted at and said that there is still debris there.

Ms. Bertram requested copies be made of emails sent by town council concerning the changes in the Open Meeting Law which contains good information about email communication and detailed agenda items. Ms. Speidel has requested town council have a workshop on this matter but has not heard back from them yet.

6. Committee Report – Mr. Alonzo said that there will be an informational work shop from the Mass Broad Band Institute on May 22, 2012.

Ms. Bertram attended the MMPO meeting on April 11th. The next meeting on May 9th will be for discussion on establishing FY13 through FY16 target projects. She said that right now the Summer Street project is not slated in that tip. Her understanding is that without a minimum of the 25% engineering funded it will not be included in this tip. She is trying to get more information as to where we are with that funding. Ms. Speidel commented and said that she was encouraged at comments which were made by Senator Flanagan about amending the state transportation bond bill but they were unable to do so and that there will not be any state money in this fiscal year for the Summer St. project. She reminded board members that there is a warrant article on STM for appropriation of funds which will cover the town's share of the 25%. Hopefully next year they will be ready to submit.

Ms. Bertram said that this project is rated number 4 on the list and it is important to keep the MPO informed of what's going on so we don't get lost on that list.

Also discussed at MMPO was a program from MRPC called "Mr. Mapper" which is a free GIS program available on their web site and is available for citizens and town departments.

7. Department Reports - None

8. Town Manager Reports- Ms. Speidel was a request to approve a Peddler's License and a Common Victualler License from Rick's Foods doing business as Harry's Road Side at 184 Lakefront Avenue. The BOS had already approved these licenses in 2011 but the Rick's Foods needed to obtain a food handler's permit from the BOH which they have just obtained. They did not operate the business in 2011 but are looking to operate in 2012. Mr. Alonzo moved that they approve the two licenses for Rick's Foods doing business as Harry's Road Side. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

OLD BUSINESS

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None

Mr. Matthews asked for any further discussion from the board. Mr deBettencourt said he was glad that the accident debris on 2A was brought up and added that the control box in Whalom was hit and he would like the box be replaced or repaired.

EXECUTIVE SESSION –

1. Under M.G. L. Chapter 39, Section 23B (3), to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also to conduct strategy session in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. – No need for Executive Session this evening.

Being no further business Mr. deBettencourt made a motion to adjourn. Ms. Bertram seconded. The board voted unanimously to adjourn the meeting at 9:03 p.m.

UPCOMING MEETING SCHEDULE

May 1, 2012	May 5, 2012 Annual Town Meeting	May 8, 2012
May 15, 2012	May 22, 2012	June 5, 2012

*Respectfully submitted,
Susan Doherty, Recording Secretary
Board of Selectmen*